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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,547

09/29/2003

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Q77532

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23373 7590 12/05/2008  
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EXAMINER

AU, GARY

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

12/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/671,547	KAMEYAMA, HIDEHIKO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gary Au	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8-11, 19-22, 24 and 26-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8, 10, 19, 21, 24, 26-28, 30, 33-35, 37, 40 and 41 is/are rejected.
- 7) ☒ Claim(s) 9, 11, 20, 22, 29, 31, 32, 36, 38 and 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 8/27/2008 have been fully considered but they are not persuasive.

In response to the applicant's argument that Aoyama does not disclose "prior to the occurrence of said event, said character is not related to said occurring event", the argument is not persuasive, because Aoyama discloses displaying the scene of the character and the comment of the kind selected by the user based on the communication record information and personal data (col. 12 line 52 – col. 13 line 10). The scene of character and the comment, thus animation display, includes communication record information which the character displayed is not related to the event until the event is received (col. 12 lines 3-26). Therefore, Aoyama teaches the claim as recited.

In response to the applicant's argument that claims 26, 33, 40 and 41, Aoyama discloses the claims language. Aoyama discloses the handheld telephone set automatically selects at random the characters due to a lag of selection of image information in the history information in the initial setting wherein the random characters are selected from the stored images stored within the handheld telephone set (col. 6 lines 27-33), thus selects said character from among the stored plurality of said characters depending upon the history information corresponding to said event.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8, 10, 19, 21, 24, 26-28, 30, 33-35, 37, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,865,386 Aoyama et al. (Aoyama).

Considering claim 8, Aoyama teaches a cellular telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: character presentation means (control unit 4 – figure 1, col. 4 lines 27-55) for controlling animation display of said character (col. 5 lines 41-67, where a sequence of images is known as animation) upon occurrence of an event (col. 6 lines 10-26, wherein Aoyama discloses receiving a mail message) on the set depending upon history information (col. 4 line 56 – col. 5 line 5) corresponding to said event and further depending upon an occurrence timing of a predetermined operation relating to said event, wherein prior to the occurrence of said event (col. 11 line 47 – col. 13 line 23, wherein Aoyama discloses displaying characters based on the times of day the message is received or the number of times the sender has sent message within a day), said character is not related to said occurring event (col. 12 lines 3-26, wherein Aoyama

discloses a set of characters are selected based on the record condition and registered personal data), and said character means selects said character from among the stored plurality of said characters depending upon the history information corresponding to said event (col. 12 lines 3-26, wherein Aoyama discloses a set of characters are selected based on the record condition and registered personal data).

Considering claim 19, Aoyama teaches a character display presentation method of a cellular telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: step responsive to occurrence of an event (col. 6 lines 10-26, wherein Aoyama discloses receiving a mail message) on the set of controlling animation display of said character (col. 5 lines 41-67, where a sequence of images is known as animation) depending upon history information (col. 4 line 56 – col. 5 line 5) and further depending upon an occurrence timing of a predetermined operation relating to said event (col. 11 line 47 – col. 13 line 23, wherein Aoyama discloses displaying characters based on the times of day the message is received or the number of times the sender has sent message within a day), wherein prior to the occurrence of said event, said character is not related to said occurring event (col. 12 lines 3-26, wherein Aoyama discloses a set of characters are selected based on the record condition and registered personal data), wherein the controlling the animation display selects said character from among the stored plurality of said characters depending upon the history information corresponding to said event

(col. 12 lines 3-26, wherein Aoyama discloses a set of characters are selected based on the record condition and registered personal data).

Considering claim 24, Aoyama teaches a storage medium storing a program to cause a computer to implement functions of a character display presentation method of a cellular telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), said functions comprising: operating a computer for executing a process responsive to occurrence of an event (col. 6 lines 10-26, wherein Aoyama discloses receiving a mail message) on the set, of controlling animation display of said character (col. 5 lines 41-67, where a sequence of images is known as animation) depending upon history information (col. 4 line 56 – col. 5 line 5) depending upon an occurrence timing of a predetermined operation relating to said event (col. 11 line 47 – col. 13 line 23, wherein Aoyama discloses displaying characters based on the times of day the message is received or the number of times the sender has sent message within a day) wherein prior to the occurrence of said event, said character is not related to said occurring event (col. 12 lines 3-26, wherein Aoyama discloses a set of characters are selected based on the record condition and registered personal data), wherein the process selects said character from among the stored plurality of said characters depending upon the history information corresponding to said event (col. 12 lines 3-26, wherein Aoyama discloses a set of characters are selected based on the record condition and registered personal data).

Considering claims 26, 33, 40 and 41, Aoyama teaches a method, a storage medium storing a program to cause a computer to implement functions of and a cellular telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: character presentation means (control unit 4 – figure 1, col. 4 lines 27-55) for controlling animation display of said character upon occurrence of an event (col. 6 lines 10-26, wherein Aoyama discloses receiving a mail message) in the set depending upon history information corresponding to the event (col. 4 line 56 – col. 5 line 5), wherein prior to the occurrence of said event said character is not related to said occurring event (col. 6 lines 27-33, wherein Aoyama teaches that the character displayed can be random and that the character would not be associated with the event prior to the occurrence), and said character presentation means selects said character from among the stored plurality of said characters depending upon the history information corresponding to said event (col. 6 lines 27-33, wherein Aoyama teaches the handheld telephone set automatically selects at random the characters due to a lag of selection of image information in the history information in the initial setting).

Considering claims 10, 21, 30 and 37, Aoyama teaches character presentation means controls animation display of said character depending upon particular date and time information preliminarily set in a schedule function (figure 9, col. 11 line 47 – col. 12 line 26).

Considering claims 27 and 34, Aoyama teaches said character presentation means controls animation display of said character depending upon a timing of occurrence of a predetermined operation associated with said event on the basis of said history information (col. 11 line 47 – col. 13 line 23, wherein Aoyama discloses displaying characters based on the times of day the message is received or the number of times the sender has sent message within a day).

Considering claims 28 and 35, Aoyama teaches said character presentation means controls animation display of said character so as to differentiate patterns depending upon number of accumulation of telephone numbers of counterpart of call in said history information (col. 11 line 47 – col. 13 line 23, wherein Aoyama discloses displaying characters based on the number of times the sender has sent message within a day to 3 days prior).

***Allowable Subject Matter***

4. Claims 9, 11, 20, 22, 29, 31, 32, 36, 38 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

/Gary Au/  
Examiner, Art Unit 2617